

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
GARY CRUZ et al,	:	Case No.: 10-CV-8026 (PKC)
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
TD BANK, N.A.,	:	
	:	
Defendant.	:	
-----X	:	

**DECLARATION OF RYAN E. BORNEMAN SUPPORTING  
DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION TO VACATE THE  
JUDGMENT AND FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

I, Ryan E. Borneman, declare under penalty of perjury pursuant to U.S.C. §1746 as follows:

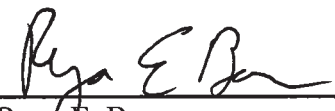
1. I am an associate at Duane Morris LLP, counsel for TD Bank, N.A. in the above captioned matter.

2. Attached as Exhibit A is a redline comparison of the second amended complaint dated August 1, 2014 in *Acevado v. CitiBank, N.A.*, 10-cv-08030 with the proposed Second Amended Complaint ("**SAC**") in this civil action.

3. Attached as Exhibit B is a redline comparison of the second amended complaint dated September 15, 2014 in *Martinez v. Capital One Bank, N.A.*, 10-cv-08028 with the SAC.

4. Attached as Exhibit C is a redline comparison of the second amended complaint dated February 3, 2014 in this civil action with the SAC.

Dated: December 8, 2014

  
Ryan E. Borneman